11 August 1981

MEMORANDUM FOR: Deputy Director of Security (P&M)

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FROM:

ppg

SUBJECT:

New Non-Disclosure Agreement (NdA)

REFERENCE:

Memorandum from C/SSC dated 3 August 1981,

same subject

- 1. This memorandum is for your information in response to a verbal request for an opinion regarding the suggestion made in reference.
- now with I discussed this matter with the DCI Security Committee Staff, who is charged with the followthrough on security issues left for resolution after the recent demise of the DCI Committee on Compartmentation (COCOMP). In order to utilize fully the advantages of the Snepp decision, a non-disclosure agreement (NdA) was developed which provides explicitly for prepublication review of material which might contain Sensitive Compartmented Information (SCI) coming under the DCI purview for the protection of sources and methods. CIA General Counsel coordinated this issue with the DDCI, and The DDCI with other Intelligence Community General Counsels. consulted the NFIB on 9 June 1981 and found there was general support for the agreement except for OSAF and NSA. advised the principals the non-disclosure agreements must apply uniformly to all personnel within each department or agency and that if separate agreements are used they must not undercut other agreements. Final decision by the DDCI on the uniform agreement is pending. The COCOMP has arranged for the printing and dissemination of stocks of the uniform NdA (Form 4193) to the Intelligence Community in accordance with requests received from individual agencies.

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While the "Question and Answer" booklet printed up with the new NdA leaves no doubt in the preface and the answer to the first question that the new NdA will be signed by all persons who have access to SCI now and in the future, this decision point is still pending with the DDCI. The administrative burden of a "retrofit" not only impacts on the Agency, but also else-The Department of Defense, for example, will where in the USG. have to change an existing departmental regulation in order to resolve a conflict between it and the new NdA over the need for prepublication review. The Agency has the advantage of the Snepp decision, which while applicable to all Agency employees who have had to sign the Agency's secrecy agreement, ipso facto is also applicable to those Agency employees having access to SCI regardless of whether they have signed a new NdA. The issue is not time sensitive, and each Senior Intelligence Officer (SIO) or Senior Administrative Officer who receives that SCI coming under the purview of the DCI's sources and methods protection will have to decide how to handle the issue as long as there is uniform application to all personnel and whatever is done does not undercut other agreements or procedures used elsewhere for this particular SCI in the USG.

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advised that he and the Chairman, DCI Security Committee, are preparing to formally approach the DDCI for a decision on the "retrofit" issue. Since this will be done in the Intelligence Community forum, I suggest that their efforts be allowed to bear fruit before the Director of Security were to approach the DDCI in his more limited Agency role. I will monitor this issue for you.

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Attachment

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